

October 16, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

08SN0118

Johnnie Muncy

Bermuda Magisterial District
13200 Lewis Road

REQUEST: Conditional Use to permit a dwelling unit separated from the principal dwelling unit in an Agricultural (A) District.

PROPOSED LAND USE:

A second dwelling unit occupied by a family member is proposed within an existing garage structure that is detached from the principal dwelling unit.

RECOMMENDATION

Recommend approval for the following reasons:

- A. Similar requests where occupancy of the second dwelling unit has been limited to guests, domestic servants or family members of the occupants of the principal dwelling have been approved elsewhere in the County with no apparent adverse impact on the area.
- B. The recommended conditions ensure that the single family residential character of the request property is maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

CONDITIONS

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
2. For the purpose of providing record notice, prior to the issuance of a building permit to convert the existing garage structure into a dwelling unit, a deed restriction shall be recorded setting forth the limitation in Condition 1 above. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

GENERAL INFORMATION

Location:

Southwest quadrant of the intersection of Fieldwood and Lewis Roads and is better known as 13200 Lewis Road. Tax ID 776-645-3571.

Existing Zoning:

A

Size:

1.1 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North – R-15; Single family residential or vacant
South, East and West - A; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing thirty (30) inch water line extending along Lewis Road, opposite this site. In addition to the thirty (30) inch line, a twelve (12) inch line extends along the north side of Fieldwood Road, opposite this site. The existing home on-site is connected to the public water system. Use of public water is required by County Code to serve the proposed second dwelling. A separate water service is required by County Code (Sec.18-58) to serve the second dwelling.

Public Wastewater System:

The public wastewater system is not available to serve this site. No plans exist to extend the public wastewater system into this area. This site is within the area designated by the Southern and Western Plan of anticipated R-88 zoning where the use of private septic systems is permitted.

Individual Wastewater System:

The Health Department must approve any expanded use of the existing system or any new system to serve the proposed use.

ENVIRONMENTAL

This request will have no impact on these facilities.

PUBLIC FACILITIES

Libraries, Parks, Fire Stations and Schools

This use will have a minimal impact on these facilities.

Transportation

This use will have a minimal impact on the existing transportation network. The Thoroughfare Plan identifies Lewis Road as a major arterial with a recommended right-of-way width of ninety (90) feet. The applicant is unwilling to dedicate forty-five (45) feet of right-of-way, measured from the centerline of Lewis Road, in accordance with that Plan.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning.

Area Development Trends:

Surrounding properties are zoned agricultural and residential and are occupied by single family residential dwellings or are vacant.

Site Design and Occupancy:

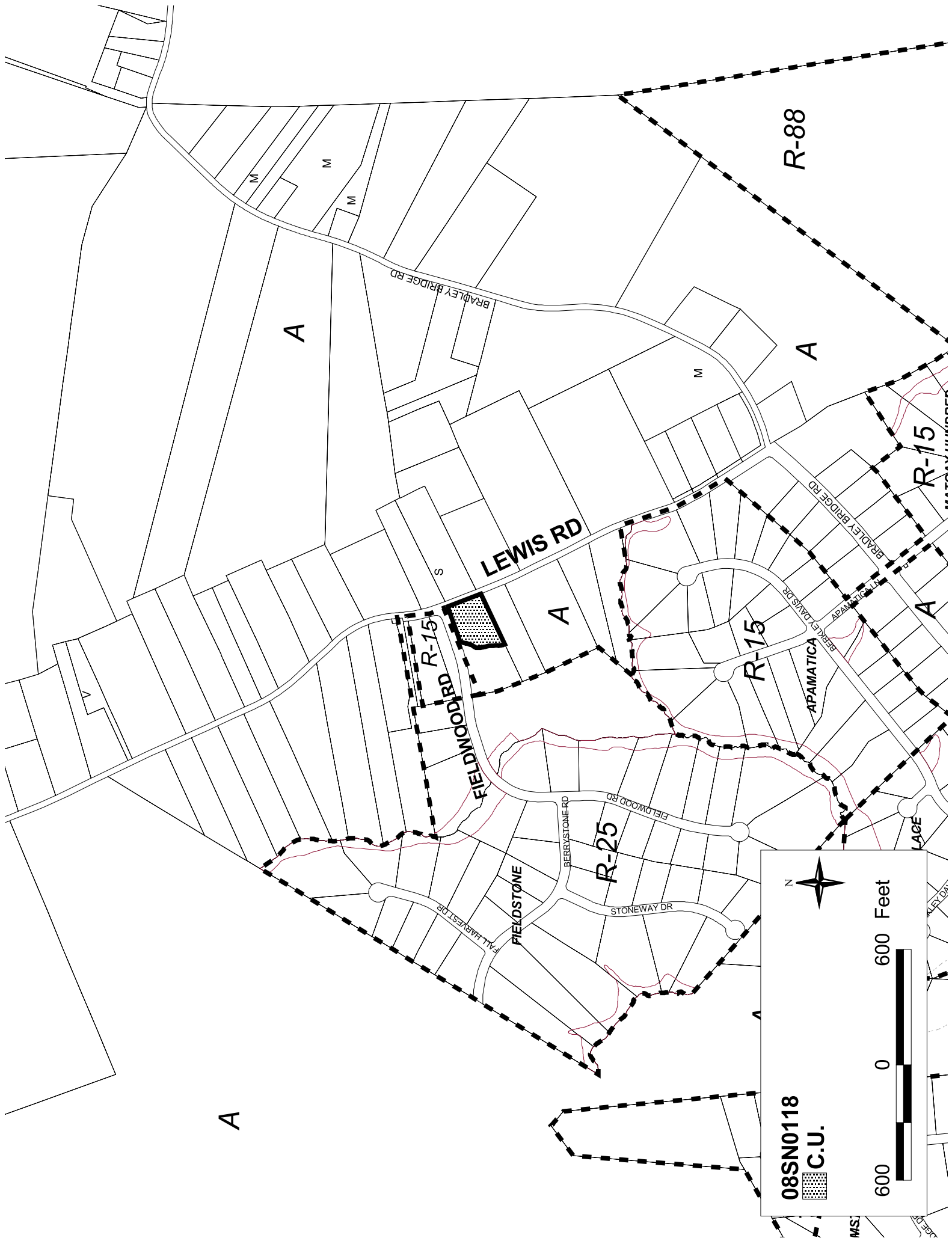
A detached garage is proposed to be converted into a second dwelling unit which will be occupied by an immediate family member of the applicant.

Consistent with past actions on similar requests, conditions are typically imposed to ensure that the “single family” character of the area is maintained by limiting occupancy of the second dwelling unit such that the occupants of both dwelling units are related to or are guests or domestic employees for the occupant of the principal dwelling unit. Conditions also provide notice of such limitation to future owners of the property. (Conditions 1 and 2)

CONCLUSIONS

The Planning Commission and Board of Supervisors have typically acted favorably on similar requests where occupancy of the second dwelling unit has been limited to guests, domestic servants or family members of the occupants of the principal dwelling. The recommended conditions ensure that the single family residential character of the area is maintained.

Given these considerations, approval of this request is recommended.



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